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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 PATRICK W. NELSON,

6 Plaintiff,

7 v.

8 NICHOLAS WEBER, et al.,

9 Defendants.

CASE NO. C16-5680 BHS-JRC

ORDER ADOPTING REPORT
AND RECOMMENDATION

10 This matter comes before the Court on the Report and Recommendation ("R&R")
11 of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 58. The Court
12 having considered the R&R and the remaining record, and no objections having been
13 filed, does hereby find and order as follows:

- 14 (1) The R&R is **ADOPTED**; and
15 (2) Plaintiff's battery claims, *Bivens* claims against Defendants in their official
16 capacities, and request for fees under 42 U.S.C. § 1988 are **DISMISSED**.
17 (3) Plaintiff's remaining *Bivens* claims will move forward on the merits.

18 Dated this 4th day of December, 2017.

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21 BENJAMIN H. SETTLE
22 United States District Judge